
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	09/552,985	§	Examiner:	Dinh, Khanh Q.
Filed:	April 21, 2000	§	Group/Art Unit:	2151
Inventors:		§	Atty. Dkt. No:	5181-46200
	Sai V. Allavarpu	§		
	Rajeev Angal	§		
	Gihan R. Karunaratne	§		
	Mark B. McCall	§		
		§		
Title:	CORBA Metadata Gateway	§		
	to Telecommunications	§		
	Management Network	§		

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Mail Stop Appeal Briefs - Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is submitted in response to the Notification of Non-Compliant Appeal Brief of January 30, 2008. In said Notification, the Examiner asserted that the Appeal Brief filed December 13, 2007 did not comply with 37 CFR 41.37(c)(1)(v) because numerous dependent claims were argued but no “mapping” for those claims was included in the Summary of Claimed Subject Matter section of the Appeal Brief. However, the requirement of 37 CFR 41.37(c)(1)(v) for dependent claims only applies to dependent claims that include means plus function elements. The Examiner has apparently misread the rule. The rule actually states (emphasis added):

A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference

to the specification by page and line number, and to the drawing, if any, by reference characters.

Note that the first sentence of 37 CFR 41.37(c)(1)(v) requiring a concise explanation only applies to independent claims. The second sentence of 37 CFR 41.37(c)(1)(v) only applies to claims including means plus function or step plus function elements. None of the dependent claims listed by the Examiner in the Notification of Non-Compliant Appeal Brief include any means plus function or step plus function elements. Therefore, 37 CFR 41.37(c)(1)(v) does not apply to those claims. Accordingly, the Appeal Brief filed December 13, 2007 is in compliance with the rules.

In a telephone conversation on February 13, 2008 between Examiner John Follansbee and Applicants' undersigned attorney, Examiner Follansbee agreed that the Notification of Non-Compliant Appeal Brief had been sent in error and that Applicants' Appeal Brief is in compliance with the relevant rules.

CONCLUSION

As noted above, the Appeal Brief filed December 13, 2007 is in compliance with the rules. Consideration of the Appeal Brief is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-46200/RCK.

Respectfully submitted,

/Robert C. Kowert/
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Date: February 13, 2008